

Remarks/Arguments

The Examiner is thanked for the careful review of this Application. Claims 1-12 and 14-20 are pending after entry of the present Amendment. Claim 13 has been cancelled. Amendments were made to the specification and claims to correct typographical errors and better define the claimed invention. The amendments do not introduce new subject matter.

Rejections under 35 U.S.C. § 103(a):

Claims 1-12, and 13-20 have been rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,112,049 to Sonnenfeld in view of the U.S. Patent Pub. No. US 2002/0107889 A1 to Stone et al. (Stone). For at least the reasons provided below, none of the combinations of the cited prior art raise a *prima facie* case of obviousness against the subject matter defined in amended independent claims 1, 11, and 16.

The Applicant respectfully submits that neither one of the cited references nor the combination of Sonnenfeld and Stone suggest combining the teachings of the cited references, as suggested by the Examiner. The Office has interpreted that one of ordinary skill in the art reading Stone, would have been motivated to use XML to establish a standard format for interchanging data via a communication network, thus ensuring data compatibility with legacy systems. The Applicant respectfully disagrees with the Office's interpretation. It is submitted that the specific excerpt cited by the Office merely states that XML can be used to establish a standard format for data being exchanged (e.g., purchase order or manufacturing metrics) between businesses wherein the data can have different formats. The latter statement, however, provides no teaching or motivation for generating XML enabled format test results generated by execution of a test application on a platform.

Furthermore, the teachings of Sonnenfeld and Stone are not combinable as modifying Sonnenfeld using the teachings of Stone renders the human testing system of Sonnenfeld unsuitable for its intended purposes. For instance, Stone teaches that analytics on the originator's and recipient's data are performed in the destination location. Based on such teachings, the test results of the human test taker in Sonnenfeld are analyzed in the test takers computer, and not the test maker's computer, providing the test taker a great deal of opportunities to modify the test taker's responses. Thus, combining the two references results in a human test taking system wherein the test takers have control over the test results as opposed to the test maker. Additionally, each test taker can only analyze the test taker's results. As a result, a summary report of the results for all the test takers cannot be provided, as doing so provides one of the test takers opportunities to modify other test takers' results.

Still further, even if Sonnenfeld and Stone were combinable (a preposition with which the Applicant disagrees), the combination of the two references would not have disclosed, suggested, or taught creating test report summary from test results as generated by executing a test application on a platform. Specifically, the resulting system is still not capable of executing a software test application on a platform, instead of testing human understanding. Nor does the resulting system generate test results in XML. In fact, one of ordinary skill in the art reading the teachings of Sonnenfeld would not have been motivated to use XML, as


Sonnenfeld particularly teaches that the tests are given and the responses are collected securely on the Internet using a standard web browser interface in standard server and client systems. Additionally, Sonnenfeld teaches that a single user on a non-networked computer system can use the server. Thus, Sonnenfeld is not directed at dealing with exchanging data having different formats.

Yet further, it is submitted that designing, administrating and taking tests of human knowledge and understanding of Sonnenfeld and managing access to data in a communication network are neither in the field of, nor are reasonably pertinent to creating test summary report of test results generated by testing a platform using a test application, as claimed by the claimed invention.

The Applicant further submits that neither one of the cited art nor the combination of the cited prior art disclose, teach, or suggest all the features of the claimed invention. For instance, among other features, the Office has not demonstrated a prior art teaching or suggestion of executing a test application on a platform, generating test results in an XML enabled format, and processing the XML enabled test results (as defined in claim 1); a parser that processes a test execution log, a logical parser that processes the well-formed XML test reports file, a logically arranged XML test reports file that includes test suite tags indicting test reports belonging to a particular test suite of the test application, and an HTML converter (as defined in claim 11); and executing the test application using a status utility having functions that generate XML code and logically arranging the well-formed XML test reports file to create a logically arranged XML test reports file (as defined in claim 16).

Accordingly, amended independent claims 1, 11, and 16 are respectfully submitted to be patentable under 35 U.S.C. section 103(a) over any combination of the cited prior art. In a like manner, dependent claims 2-10, 12 and 14-15, and 17-20 each of which directly or indirectly depends from the applicable independent claim are submitted to be patentable under 35 U.S.C. section 103(a) over any combination of the cited prior art for at least the reasons set forth above regarding the independent claims 1, 11, and 16.

The Applicant respectfully requests examination on the merits of the subject application, and submits that all of the pending claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6913. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP024). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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